

EXHIBIT O

IN THE U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

* * * * *

TINA LINDQUIST,	*	
Plaintiff	*	Case No.
vs.	*	04-249E
HEIM, L.P.,	*	
Defendant	*	

* * * * *

DEPOSITION OF
ROBERT ROONEY
September 8, 2005

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1 cut too easily.

2 Q. And how so, what do you mean by
3 that?

4 A. Well, you never know. At least
5 if you're standing up, you can get out
6 of the way of something, you know, like
7 if a piece of steel comes at you or
8 whatever, you know. You're not going
9 to be stuck there, you know. So my
10 motto was always, I like to stand.

11 Q. When you stand and perform the
12 various operations that need to be
13 performed for the 1707, would you move
14 the foot pedal or would it all stay in
15 one location?

16 A. You can stand it wherever you
17 wanted.

18 Q. Was there a need to move it
19 during these different operations?

20 A. Shouldn't have to, really.

21 Q. Can you describe the foot pedal
22 that existed at the time of her injury?

23 A. What it was is, it looked like a
24 regular --- well, it looked like that
25 bowl. You stick your foot inside.

38-40

1 Q. It was fully-enclosed housing?

2 A. Yep.

3 Q. But you had to stick your foot
4 inside?

5 A. Yep.

6 Q. Did it have a plate over the
7 front?

8 A. No.

9 Q. Did any of ---. Well, can you
10 describe it any more?

11 A. All it is, is just a foot pedal.
12 Just a foot pedal with a housing on the
13 top. That's all it was. And you put
14 it in. You stick your foot the whole
15 way in, so it had be.

16 Q. That's a good point. How far in
17 from the outside of the housing was the
18 actual pedal?

19 A. It was probably two or three
20 inches.

21 Q. Okay. So you couldn't just have
22 your ---.

23 A. Stick your toes.

24 Q. You would actually stick your
25 whole foot in up through the instep of

1 your foot? Is that yes?

2 A. I would say yes. Yes.

3 Q. Did you ever have any problems
4 with the foot pedal that existed?

5 A. I never had any problems with
6 the foot pedal.

7 Q. What color was the foot pedal?

8 A. Yellow.

9 Q. Do you know where that came
10 from?

11 A. I don't know. It's another
12 maintenance issue there.

13 Q. Do you know where it went after
14 this accident?

15 A. I couldn't tell you that either.

16 Q. No one seems to know. I think
17 it was maybe thrown away.

18 A. It could've been.

19 Q. Do you have any idea how old
20 that foot pedal was?

21 A. I don't know. There's a
22 questionnaire that you need to ask
23 maintenance.

24 Q. Well, we did and they didn't
25 know either. You don't know if that